



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	
<b>V.</b>	§	<b>CASE NO. 5:95-CR-8(5)</b>
	§	
<b>MARCUS DEWAYNE MCKINNEY</b>	§	

**MEMORANDUM ORDER ADOPTING  
FINDINGS OF FACT AND RECOMMENDATION**

By order of the District Court, this matter was referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court, Eastern District of Texas. In accordance with 18 U.S.C. § 3401(i) and 18 U.S.C. § 3583(e), Judge Giblin held a hearing and submitted findings of fact and a recommendation on the revocation of the Defendant's supervised release.

Having conducted the proceedings in the form and manner prescribed by Federal Rule of Criminal Procedure 11, the Magistrate Judge issued his *Findings of Fact and Recommendation on Plea of True* [Clerk's doc. #168]. The Magistrate Judge recommended that the Court accept Defendant's plea of true and revoke his supervised release. The parties have not filed objections to

the Magistrate's recommendation. The Court is of the opinion that the *Findings of Fact and Recommendation* should be accepted.

It is **ORDERED** that the *Findings of Fact and Recommendation* [Clerk's doc. #168] of the United States Magistrate Judge are **ADOPTED**. The Court finds that Defendant, Marcus Dewayne McKinney, violated conditions of his supervised release. The Court, therefore, **REVOKES** his term of supervision. Pursuant to the magistrate judge's recommendation, the Court **ORDERS** Defendant to serve a term of nine (9) months imprisonment, with no additional term of supervision to follow. Mr. McKinney should receive credit for time spent in federal custody on this revocation proceeding and should be placed in a federal correctional facility in Beaumont, Texas, if possible. The Court further **ORDERS** that this imposed term of imprisonment shall run **concurrently** with the term imposed for revocation in criminal cause number 1:03CR83, pending in the Beaumont Division of the District Court for the Eastern District of Texas.

**SIGNED this 20th day of July, 2006.**

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE